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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF AUTOTEL CORP.'S
BONA FIDE REQUEST FOR
TERMINATION OF EXEMPTION
PURSUANT TO SECTION 251(f)(1)(B) OF
THE TELECOMMUNICATIONS ACT OF
1996 AND TO PROVIDE COMMERCIAL
MOBILE RADIO SERVICES IN ARIZONA.

DOCKET NO. T-03214A-10-0051

PROCEDURAL ORDER

BY THE COMMISSION:

On February 9, 2010, Autotel Corp. ("Autotel") filed with the Arizona Corporation Commission ("Commission") a Bona Fide Request for Termination of Exemption ("Request") pursuant to the Telecommunications Act of 1996. The Request states Autotel is seeking an interconnection agreement ("ICA") with Frontier Communications Corporation ("Frontier") to provide Commercial Mobile Radio Service ("CMRS") in Arizona. The Request states Frontier has advised Autotel that it has not formally invoked its rights as a rural carrier in any of the existing legal entities Frontier operates in Arizona. Autotel requests that the Commission conduct an inquiry to determine if any of the Frontier operating companies meet the definition of Rural Telephone Company under 47 U.S.C. 153 (37).

On June 30, 2010 and July 7, 2010, Autotel filed a Petition for Arbitration under § 252 of the Telecommunications Act of 1996 and requested that the Commission arbitrate a proposed ICA between Autotel and Frontier.

On July 13, 2010, by Procedural Order, the Commission's Utilities Division ("Staff") and Frontier were directed to file a response to Autotel's Request and Petition for Arbitration.

On July 27, 2010, Staff filed a response stating that the Commission had conducted an earlier arbitration between Frontier¹ and Autotel and that Autotel had refused to sign the agreement prepared

¹ Frontier was formerly named Citizens Communications Company ("Citizens"). See Docket No.T-03234A-03-0188.

1 by Citizens incorporating the terms of the arbitration as required by Commission Decision No.
2 67273. Staff also stated that it believes Autotel's Petition may be procedurally deficient and that
3 Autotel's Request may be moot and unnecessary. Staff requested that a procedural conference be
4 scheduled to discuss whether Autotel's Request and Petition should be dismissed.

5 On the same date, Frontier filed a Motion to Dismiss in response to Autotel's Request and
6 Petition. Frontier requests that Autotel's Petition for Arbitration be dismissed because a current ICA
7 is in effect and alternatively, that the Petition be dismissed because it lacks specificity as to the issues
8 to be resolved.

9 On August 3, 2010, by Procedural Order, a procedural conference was scheduled for
10 September 1, 2010, to discuss Frontier's Motion to Dismiss and to determine whether a procedural
11 schedule should be set.

12 On September 1, 2010, the procedural conference was held as scheduled. Mr. Richard
13 Oberdorfer appeared on behalf of Autotel. Frontier and Staff appeared through counsel. During the
14 procedural conference, Frontier urged the Commission to dismiss Autotel's Petition and Staff stated
15 it supported Frontier's request to dismiss the Petition. Further, discussions were held regarding
16 whether Autotel intends to provide wireless services in Arizona; whether Autotel's request for
17 termination of exemption is moot or unnecessary; and whether Autotel has fulfilled its obligations for
18 terminating and/or renegotiating the terms of the ICA with Frontier. At the conclusion of the
19 procedural conference, Autotel was directed to file a response to Frontier's Motion to Dismiss, and
20 other procedural deadlines were set.

21 IT IS THEREFORE ORDERED that **Autotel** shall file a response to Frontier's Motion to
22 Dismiss on or before **September 15, 2010**.

23 IT IS FURTHER ORDERED that **Autotel's response** shall include, but is not limited to, a
24 discussion of whether Autotel intends to provide telecommunications services in Arizona; whether
25 Autotel's request for termination of exemption is moot; an analysis, including citations to case law,
26 Statutes and/or Rules, supporting Autotel's belief that the ICA filed by Frontier is not binding on
27 Autotel.

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1 IT IS FURTHER ORDERED that **Frontier and Staff** shall make a filing by **September 30,**
2 **2010**, addressing any issues raised in Autotel's response.

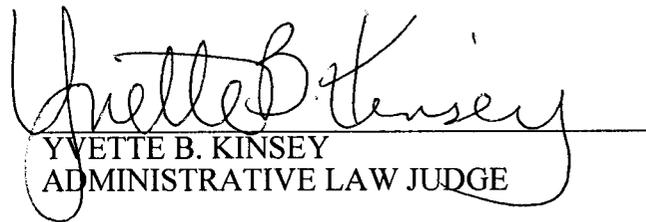
3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the rules
4 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
5 *hac vice*.

6 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
7 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
8 Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all
9 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
10 for discussion, unless counsel has previously been granted permission to withdraw by the
11 Administrative Law Judge or the Commission.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
13 Communications) applies to this proceeding and shall remain in effect until the Commission's
14 Decision in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
16 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

17 Dated this 2nd day of September, 2010.

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21 YVETTE B. KINSEY
22 ADMINISTRATIVE LAW JUDGE
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24

25 Copies of the foregoing mailed/delivered
26 this 2nd day of September, 2010 to:

27 Richard L. Oberdorfer
28 AUTOTEL CORP.
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13 By: 
14 Debra Broyles
15 Secretary to Yvette B. Kinsey

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